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PATENT COOPERATION TREATY

PCT/FR2003/003648



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PaC402076PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003648	International filing date (day/month/year) 10 décembre 2003 (10.12.2003)	Priority date (day/month/year) 13 décembre 2002 (13.12.2002)
International Patent Classification (IPC) or national classification and IPC B29C 70/50, 33/00, 70/08		
Applicant SAINT-GOBAIN VETROTEX FRANCE S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 11 février 2004 (11.02.2004)	Date of completion of this report 10 March 2005 (10.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003648

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-17, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 1-21, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages 1/2-2/2, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-11, 13-15, 17-21	YES
	Claims	12, 16	NO
Inventive step (IS)	Claims		YES
	Claims	1-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

**2. Citations and explanations**

1. The application does not fulfil the requirements of PCT Article 33(3) because the subject matter of claim 1 does not involve an inventive step.

Document EP-A-0 410 678 (D1) describes a method for producing composite plates from a reinforcement sheet made of continuous fibres (see column 3, lines 17-21 and 55-58) impregnated with a thermoplastic organic matrix (see column 4, lines 5-7), which plates have a surface layer made of an organic material of the same kind as said matrix (see column 4, lines 8-10). D1 discloses that the material in said surface layer can be dusted onto the pre-impregnated reinforcement (see column 4, line 17). D1 also discloses that the method can be carried out continuously using a double belt press (see column 4, lines 35-36). Since the material in said surface layer is thermoplastic, it is obvious that the sheet must be heated so that the powder will melt and form said layer and that, after compression, said sheet must be cooled. The additional features in claim 1, i.e. the steps of depositing said reinforcement sheet on a substrate prior to dusting and of cutting or winding the end product, are routine steps that

cannot be considered to involve an inventive step.

2. For the same reasons as those mentioned in point 1, document D1 at least implicitly describes a device including elements (a) to (d) of claim 12. As a result, the subject matter of claim 12 is not novel over D1, contrary to the requirements of PCT Article 33(2).
3. The product claimed in independent claim 16 is characterised by the production method therefor. A product cannot be considered to be novel and inventive unless it is characterised by novel and inventive features. It cannot be deemed to be novel and inventive simply because it is produced using a method that is, *per se*, novel and inventive. Document D1 describes a composite plate that can be produced using the method in claim 1 and has a coating layer, which can be up to 500 microns thick (see claim 1). As a result, the subject matter of claim 16 is not novel.
4. Since the use of composite plates in the production of vehicle panels is well known, the subject matter of claim 18 does not appear to involve an inventive step.
5. The subject matter of dependent claims 2 to 11, 13 to 15, 17 and 19 to 21 is either known from the prior art or appears to be obvious to a person skilled in the art.
6. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in document D1, nor does it cite said

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International Application No.

PCT/FR 03/03648

document.